

Suit raises question on lay midwives

Des News

A lawsuit filed in Utah County on Wednesday, in which several lay midwives were charged with negligence, again raises questions about state regulation of lay midwifery, a nurse consultant to the Utah Department of Business Regulation said.

Ann Peterson, who advises the Division of Registration regarding nurse registration, said the suit will re-focus attention on a long standing problem.

In the suit, Ronald and Karen Whipple, Provo, along with other plaintiffs, ask for \$113 million damages because of physical and mental damage suffered by a child and her family after the child was delivered while Mrs. Whipple was under the care of the midwives.

Mrs. Peterson said the suit raises the questions again of regulation of lay midwives. State regulations have set standards and require licensure of certified nurse midwives but does not specifically address the issue of the lay midwives.

Lay midwifery, she said, is a shady area of the law with no specific regulations, but some controls are tacit in restrictions on unlicensed people practicing medicine.

Because of lack of clear laws regulating lay midwifery, it has been difficult for state officials and others to reach a consensus about what to do about the problem, Mrs. Peterson said.

"It's a tough situation to handle because the

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minute you go out and try to prosecute them, they will go underground," she said.

Utah legislators have considered bills to set guidelines for licensure of lay midwives, most recently in the 1981 session, but the legislative proposals have been unsuccessful. She said some state officials hope the Whipple's lawsuit will focus attention on the need for some clear laws to deal with the problem.

After the 1981 bill failed to move through the Legislature, an interim committee was appointed to study the issue of midwifery. A resolution in the 1982 legislative session also assigned the matter to a study committee.

Meanwhile, Mrs. Peterson said, the number of lay midwives practicing has increased. She said many parents may have turned to the lay midwives because of high hospital costs and the lack of personalized attention in hospital births.

Now, however, there are many more alternatives to traditional hospital births. The alternatives offer short stays, active participation by fathers and a more personal atmosphere.

A nurse midwife herself, Mrs. Peterson said she is "really concerned about the level of care being provided by most of those lay midwives because they really aren't prepared to practice safely."

Last year, Dr. Peter van Dyck, head of the Division of Family Health, reported to the now-defunct State Health Board that studies indicated a higher risk of death or complications to babies born outside a hospital setting.

We provide a service, lay midwives say

By Kris Radish 3-15-82
Deseret News staff writer

PROVO — Lay midwives think there is a need and place for their skills in today's society and they want a recognized chance to prove they have professional training and motives.

Two women involved in lay midwife work in the Utah County area said midwives certified through their organization are competent and perform a valuable service for couples wanting an alternative birthing process.

A multimillion dollar lawsuit filed this week against another group of Utah County midwives has other midwives wondering what will happen to them.

In that suit, the midwives were charged with negligence by the Ronald Whipple family, which had hired them for the birth of their baby.

Women involved in that suit declined to be interviewed by the Deseret News until they have a chance to meet with their attorney and prepare statements.

Other midwives not involved in the suit also were reluctant to be interviewed. They said publicity could

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ruin their practices and they are afraid they are also under investigation.

But two childbirth instructors who work closely with a lay midwife said someone needs to defend the many excellent practicing lay midwives in the state.

"We aren't advocating anything, but we think people should know what alternatives are available to them," said Sandra Vivian. "If couples want to have babies in the traditional hospital setting, we think that's fine, but we think they should know they have other options."

Mrs. Vivian, who had her first home birth nine months ago, is a certified childbirth educator and Lamaze teacher and is associated with Domiciliary Midwives of Utah.

She teaches prenatal and postnatal care classes and prepares couples for the childbirth experience.

Rita Nelson, also associated with Domiciliary Midwives of Utah, is an apprentice midwife and certified childbirth educator.

Both women say the lay midwives they work with are safe, educated and trained in all aspects of birth.

"To be a certified lay midwife with DMU a woman has to have several years of training," said Mrs. Nelson. "We have classes on everything from labor coaching to medical problems, and to be certified we have to be in attendance at 50 or more births."

Mrs. Nelson said it's true that some lay midwives have the "had one, seen one, caught one" attitude about midwifery, but a great number of lay midwives have years of training and experience.

"We work with the mothers from the time they are pregnant to several weeks after delivery," said Mrs. Nelson. "We do not handle highrisk births and we are trained over and over again to know what to look for."

Certified nurse midwives and doctors say lay midwives aren't prepared to handle emergencies, but both Mrs. Nelson and Mrs. Vivian say their midwives have a medical backup support system.

"We operate with an on-call doctor for emergencies," said Mrs. Vivian. "Because of peer pressure the doctors are reluctant to come out into the open and show their support."

In their childbirth classes, the women say, they tell parents the differences between certified nurse midwives and lay midwives. They also explain all the birthing options open to the parents.



Sandra Vivian, a childbirth instructor gave birth to her son, Wesley, at home.

"If a couple decide to go to the hospital, we still work with them and tell them what to expect," said Mrs. Vivian. "We aren't out recruiting, but we think the medical professionals haven't been as open about the alternatives as possible."

She also said the risks of home births claimed by doctors aren't much worse than the risks of having a baby in the hospital.

"Often the personal care both the mother and baby receive at home is much better and more

personal than what they get in the hospital," she said.

Both women say midwives have worked hard to gain credibility throughout the community. They said the Whipple lawsuit will either make or break both good and bad midwives.

"We don't agree with some of the things some midwives are doing, and naturally that reflects on us," said Mrs. Nelson. "Lay midwives are here to stay and we just hope they aren't forced to operate underground."

They said Utah should approve legislation to certify lay midwives and that would solve many of the problems.

"If we had a certified lay midwife program that was put together by professionals and lay people, things would be better," Mrs. Nelson said. "Until we can get that to happen there will always be bad lay midwives."

She said the public has been crying for home deliveries for years but has been ignored by the professional medical people. The lay midwives, she said, answer that need.

"I wouldn't be involved in this if I didn't think it was safe and the midwives were qualified," said Mrs. Nelson. "I just hope the professionals and legislators will see the good as well as the bad."

Mrs. Vivian said there are bad doctors and lay midwives and good doctors and midwives. Unfortunately a bad doctor will get support before a good midwife, she said.